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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91178943
Party	Defendant DM Enterprises & Distributors, Inc.
Correspondence Address	Mitchell W. Mandler Becker & Poliakoff, PA 121 Alhambra Plaza, 10th Floor Coral Gables, FL 33134 UNITED STATES
Submission	Motion to Extend
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Date	04/22/2008
Attachments	DOC042208.pdf ( 3 pages )(67817 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In re: Application Ser. No. 75697908

Mark: Cubita

Published: April 17, 2007

Corporacion Cimex S.A.,

Opposition No. 91178943

Opposer,

v.

DM Enterprises & Distributors, Inc.

Applicant.

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**APPLICANT'S MOTION FOR ENLARGEMENT OF THE  
DISCOVERY, TESTIMONY AND BRIEF PERIOD**

Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA 22313-1451

The Applicant, DM ENTERPRISES & DISTRIBUTORS, INC. ("DM Enterprises"), by and through undersigned counsel, hereby files this motion for enlargement of the discovery, testimony and brief period. In support, Applicant states as follows:

1. Applicant requests that the discovery dates in the above proceeding be extended by sixty (60) days and that the testimony and brief periods be re-set as follows:

Discovery period to close..... June 22, 2008

30-day testimony period for party  
in position of Plaintiff to close..... September 10, 2008

30-day testimony period for party  
in position of Defendant to close..... November 10, 2008

15-day rebuttal testimony period for party  
in position of Plaintiff to close..... December 23, 2008

Brief dates to filed in accordance with trademark Rule 2.128 (a) and (b).

2. This enlargement is sought to allow Applicant to pursue discovery and other issues, and not for delay.
3. Applicant recently received discovery requests from Opposer, which alleges new information, not known to the Applicant, and further discovery is needed.
4. Applicant has attempted to secure the consent of Opposer, but counsel for Opposer is not available, and time is of the essence.

Wherefore, Applicant respectfully requests to have this Motion granted and the dates reset as provided herein.

Dated: April 22, 2008

Respectfully submitted,

BECKER & POLIAKOFF, P.A.

By: /s/Bradley Gross  
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Attorneys for Applicant DM Enterprises and  
Distributors, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on April 22, 2008, a copy of the foregoing was served by electronic mail and U.S. Mail, postage prepaid, on David B. Goldstein, Esq., of Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C., 111 Broadway, 11<sup>th</sup> Floor, New York, New York 10006-1901.

/s/Bradley Gross  
Bradley Gross